



National Marine Fisheries Service

Fact Sheet for Dealers Purchasing Sharks, Swordfish and BAYS Tunas

Who is affected? This document reviews the regulations that affect dealers who receive, purchase, trade for, or barter for Atlantic BAYS (Bigeye, Albacore, Yellowfin, and Skipjack) tunas, Atlantic sharks, or Atlantic swordfish from U.S. fishing vessels.

Dealers that only import, export or re-export these species are not affected by these regulations. For additional information on importing, exporting, or re-exporting of tunas and swordfish, please see the 'Fact Sheet for International Trade of Swordfish and Tuna' or http://www.nmfs.noaa.gov/sfa/hms/ITP/HMS_ITP_final_fact_sheet.pdf. For bluefin tuna permit or reporting information, call (978) 281-9140 for assistance.

What is the purpose of the regulations? The purpose of the reporting regulations at 50 CFR 635.5 is to provide a means for the National Marine Fisheries Service (NMFS) to track the quantities of these species that are caught and landed. These data are used in stock assessments and to meet the U.S. reporting obligations to international organizations, such as the International Commission for the Conservation of Atlantic Tunas (ICCAT). For those species that have a quota, i.e., sharks and swordfish, these data are critical to assist the NMFS to monitor landings and project quota closures.

Where can I find the regulations? The regulations may be found by accessing the website, <http://ecfr.gpoaccess.gov>, and selecting Title 50, and searching Part 635. The "2005 Guide for Complying with the Regulations for Atlantic Tunas, Swordfish, Sharks, and Billfish" may be accessed at www.nmfs.noaa.gov/sfa/hms (under the heading "Regulations and Guides", then select "2005 Guide for Complying with the HMS Regulations"), or a copy of the compliance guide may be faxed upon request from the Southeast Regional Office at (727) 824-5326. Any proposed changes to the regulations may be found by searching the Federal Register at <http://www.regulations.gov> with the exact keywords of "50 CFR Part 635." A brief summary of the current key provisions is given below. Please see the full regulatory text for a complete review of the requirements.

What do the regulations require? Dealers who receive, purchase, trade for, or barter for Atlantic swordfish, Atlantic sharks, or for Atlantic BAYS tunas from a fishing vessel of the United States must:

- possess a valid dealer permit;
- maintain the permit, or a copy thereof, at each location of the dealer's places of business;
- complete and submit summary reports regarding HMS purchases on a bi-monthly basis.

How do I get a domestic HMS Dealer Permit? Dealer permits for Atlantic swordfish and Atlantic sharks may be obtained by contacting the Southeast Regional Office (SERO), Permits Department at (727) 824-5326. A printable version of the annual dealer application can be downloaded from the following web site: <http://sero.nmfs.noaa.gov/sf/permits.htm>. Dealer permits for Atlantic BAYS tunas may be obtained by contacting the Northeast Regional Office

(NERO) at (978) 281-9370. A printable version of the annual dealer permit application can be downloaded from the web site: <http://www.nero.noaa.gov/fso/permits/initialapp1.htm>. A complete application with required supporting documents must be submitted at least 30 days before the date on which the permit is to be made effective.

How much will a permit cost? The Atlantic shark and swordfish dealer permits cost \$100.00 for the first permit and \$25.00 for each additional permit. The Atlantic BAYS tunas dealer permit does not currently include a fee.

What are the reporting requirements? Dealers that have been issued an annual permit for Atlantic swordfish, Atlantic sharks, and/or Atlantic BAYS tunas are required to report purchases of these species from U.S. vessels to NMFS. Two reports a month are required (except for dealers in the Northeast Region that are required to report via one of the approved electronic methods; see below). One report is to include the purchases made during the 1st through the 15th of each month, and the second report is to include purchases made during the 16th through the end of the month. If none of these species were purchased during a reporting period, a report stating that no Atlantic HMS were received must be submitted.

Dealers located in the Northeast Region, which includes the states of Virginia through Maine, and who have an additional NERO permit that requires reporting, have two methods in which to submit information. If the dealer has another Federal permit issued by the NERO and is required to report electronically, then the species included in these regulations must also be reported by any of the approved electronic reporting methods (to NERO or SAFIS). If northeast dealers do not also have a NE permit, then a bi-monthly report must be completed and submitted to the local NERO port office.

Dealers located in the Southeast Region, which includes the states of North Carolina through Texas, Puerto Rico, and the U.S. Virgin Islands, must mail, electronically send, or fax (305/361-4497) completed reports to NOAA Fisheries at the Southeast Fisheries Science Center, Miami, FL. These reports must be postmarked within 10 days after the end of each reporting period.

How do I obtain reporting documents? Reporting documents are distributed to dealers when they obtain or renew their permit. Additional supplies for the dealers in the Southeast Region can be attained by either contacting Ms. Heather Balchowsky (305-361-4239; Heather.Balchowsky@noaa.gov), or by using the electronic version of this form in fillable format at http://www.nmfs.noaa.gov/gpea_forms/forms.htm under the “Southeast” forms. Additional reporting supplies for the dealers in the Northeast Region can be obtained by contacting your local port office or by email to: reporting.ne@noaa.gov.

Further Information: For further information, contact: the HMS Headquarters Office at (301) 713-2347; the NERO, Permits Department (for states of Virginia through Maine) at (978) 281-9370; or Ms. Heather Balchowsky at the Southeast Fisheries Science Center (any other location), (305) 361-4239.